



# County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA  
Chief Executive Officer

June 1, 2010

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To: Supervisor Gloria Molina, Chair  
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Supervisor Don Knabe  
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From: William T Fujioka  
Chief Executive Officer

**MOTION TO SUPPORT AB 1998 (BROWNLEY) RELATED TO SINGLE-USE CARRYOUT BAGS AND REVISE THE COUNTY'S STATE LEGISLATIVE AGENDA TO EXPAND EXISTING LEGISLATIVE POLICY ON SINGLE-USE CARRYOUT BAGS (ITEM NO. 64-C – AGENDA OF JUNE 1, 2010)**

Item Number 64-C on the June 1, 2010 Agenda is a motion by Supervisors Ridley-Thomas and Yaroslavsky to: 1) instruct the County's Legislative advocates in Sacramento to support AB 1998 (Brownley); and 2) revise the County's State Legislative Agenda to replace Section 2.7 (Item No. 17) with the following language: "Support legislation which reduces the environmental impacts of single-use carryout bags and decreases the financial burden on local governments to address those impacts, including legislation which seeks to promote the use of reusable bags, reduce the use of plastic or paper carryout bags, and/or increase at-store recycling of carryout bags."

Significant amendments to AB 1998 were made late in the day on Friday, May 28, 2010, and just became available for public review this morning. County Counsel, the Department of Public Works (DPW) and this office, have not had adequate time to fully analyze the May 28, 2010 version of AB 1998. Because there was insufficient time to review the recent changes made to AB 1998, this memo specifically reflects the April 20, 2010 version of AB 1998. **The motion before your Board today is to support the bill, as amended on Friday, May 28, 2010.**

*"To Enrich Lives Through Effective And Caring Service"*

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### Summary

The County has existing policy in Section 2.7 (Item No. 17) in the State Legislative Agenda to support legislation to: 1) repeal existing law which prohibits a public agency from imposing a fee on plastic carryout bags at supermarkets and retail stores; and 2) implement a statewide fee on plastic carryout bags, with the provision that funds raised would be directed to local governments on a per-capita basis for litter prevention and source reduction efforts; or established statewide benchmarks to reduce the consumption of plastic carryout bags and increase at-store recycling of plastic bags. Based on Board Action of January 22, 2008 to sponsor legislation implementing the above policies, the County sponsored AB 2829 (Davis) of 2008 and AB 87 (Davis) of 2009, which would have prohibited a supermarket or retail store from providing a single-use carryout bag to a customer unless the store charged a fee of \$0.25 at the point of sale.

Instead of charging a \$0.25 cent fee on single-use carryout bags, AB 1998, as amended on April 20, 2010, would ban stores from providing a single-use carryout bag, as defined, to customers at the point of sale, and would require stores to make reusable bags available for purchase. AB 1998 defines single-use carryout bag as "a bag that is designed for one or more uses, but fewer than 100 uses, is made of plastic, paper, or other material, and is provided by a store to a customer at the point of sale." The bill also expands the existing definition of store to include a convenience food store or foodmart engaged in retailing a limited line of goods that generally includes milk, bread, soda, and snacks, in addition to supermarkets and retail stores over 10,000 square feet with a pharmacy.

**Because the County's single-use carryout bag policy does not address: 1) paper bags and is specific to plastic bags; 2) AB 1998's requirement for stores to make reusable bags available for purchase; and 3) AB 1998's expanded definition of a store, a position on the April 20, 2010 version of AB 1998 and the revised single-use carryout bag policy are matters for Board policy determination.**

### AB 1998 Overview – April 20, 2010 Version

Existing law requires operators of stores (defined as supermarkets and stores over 10,000 square feet that include a pharmacy) to establish an in-store plastic carryout bag recycling program meeting specified requirements and requires manufacturers of plastic bags to develop educational materials to encourage reducing, reusing, and recycling plastic bags. Current law prohibits local governments from requiring stores that meet these provisions to implement separate recycling programs or from imposing a fee on plastic bags. All of these provisions sunset on January 1, 2013.

AB 1998, as amended on April 20, 2010, would: 1) move the sunset date for the existing plastic bag recycling program from January 1, 2013 to January 1, 2012; 2) prohibit a store, after January 1, 2012 from providing a single-use carryout bag, as defined, to customers at the point of sale; 3) require stores to make reusable bags available for purchase; 4) require the Department of Resources Recovery and Recycling (CalRecycle) to report to the Legislature prior to January 1, 2015, regarding the effectiveness of the bill; 5) specify that the report to the Legislature include recommendations to further encourage the use of reusable bags and to reduce the consumption of single-use bags; and 6) sunset the reporting requirement on January 1, 2019.

The bill defines: 1) "reusable bag" as a bag that is designed and manufactured for at least 100 uses and is made of a washable material that "does not contain lead or any toxic metal in a toxic amount," as determined by CalRecycle; 2) "single-use carryout bag" as a bag that is designed for one or more uses, but fewer than 100 uses, is made of plastic, paper, or other material, and is provided by a store to a customer at the point of sale; and 3) "store" as supermarkets, stores over 10,000 square feet that include a pharmacy, and a convenience food store or foodmart engaged in retailing a limited line of goods that generally includes milk, bread, soda, and snacks.

The Department of Public Works indicates that the County continues to be concerned with the environmental and economic impact of plastic bag pollution in inland and coastal communities of the County, due to the costs for litter cleanup as well as the impact on wildlife and the quality of life of Los Angeles County residents. Despite efforts to expand recycling programs, DPW states that less than 5 percent of these bags are currently being recycled. The rest of these bags end up in our landfills or as litter, clogging stormdrain systems, and make their way to our waterways and ocean where they do not biodegrade and become a persistent threat to wildlife.

In addition, DPW indicates that paper bags are not a good replacement for plastic bags. Evidence has shown that paper bags contribute to deforestation, greenhouse gas emissions, and waterborne wastes from the pulping and paper making process. Plastic bags marketed as "compostable" or "biodegradable" have not proven to degrade in the marine environment but instead are designed to be managed in a commercial composting facility. However, DPW states that there are no commercial composting facilities within the County and only a small number of cities currently support the infrastructure to collect and dispose these types of bags properly.

If enacted, DPW states that AB 1998 would help the County achieve the goal of reducing the adverse impacts of single-use bags on the environment, reduce the consumption of plastic and paper single-use carryout bags, and increase the use of

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reusable bags while promoting the use of recycled materials for paper carryout bags and educating consumers regarding the need to reduce litter. DPW estimates that the County spends over \$18 million annually on prevention, cleanup, and enforcement activities to reduce litter and expects these costs to rise over the next few years due to compliance with the Federal Clean Water Act. Because AB 1998 is expected to have a measurable positive impact on the environment and the County budget relating to costs for litter prevention, cleanup and enforcement, DPW recommends that the County support the April 20, 2010 version of AB 1998.

The Department of Public Works has not provided an official analysis of the May 28, 2010 version of AB 1998.

AB 1998 is sponsored by Heal the Bay, and supported by several organizations, including: California Coastal Coalition; California State Lands Commission; Clean Water California; Defenders of Wildlife; Environment California; Planning and Conservation League; and Sierra Club California. It is opposed by American Forest and Paper Association; Biodegradable Products Institute; California Film Extruders and Converters Association; California Taxpayers' Association; and Metabolix.

This measure passed out of the Assembly Appropriations Committee on May 28, 2010, as amended, by a vote of 11 to 5, and now proceeds to the Assembly Floor. The May 28, 2010 amendments to AB 1998 became available today.

WTF:RA:sb

c: Executive Office, Board of Supervisors  
County Counsel